



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P (MD)No.473 of 2019

and

C.M.P (MD) No.10951 of 2019

P.Kottai Ammal @ Durgadevi ... Petitioner/Respondent

-Vs-

R.Bharani Dharan ... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.4186 of 2019 pending on the file of II-Family Court, Chennai and to transfer the same to the file of Subordinate Court, Devakottai.

For Petitioner : Mr.C.Jeyaprakash

For Respondent : No Appearance

O R D E R

The petitioner/wife, who is facing the proceedings for dissolving the marriage at the instance of the husband in H.M.O.P.No.4186 of 2019, on the file of II-Family Court, Chennai, seeks transfer of the same to the Subordinate Court, Devakottai.

2. Admittedly, the wife resides at Devakottai and transfer is sought for mainly on the ground of convenience.

3. Though notice was served on the respondent and his name was printed in the cause list, there is no representation on his behalf.

4. The Hon'ble Supreme Court in the judgment reported in **2008 (9) SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)**, has held that "*convenience of woman is to be taken into consideration first while considering transfer application.*"

5. In the light of the aforesaid decision and also being satisfied with the reasons stated in the transfer petition filed by the petitioner, this Court is inclined to transfer H.M.O.P.No.4186 of 2019, on the file of the II-Family Court, Chennai, to the Subordinate Court, Devakottai.

6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, II-Family Court, Chennai, is directed to transmit the papers to the Subordinate Court,



Devakottai, forthwith.

7. The learned Judge, Subordinate Court, Devakottai, is directed to dispose of the proceedings in H.M.O.P.No.4186 of 2019, within a period of six months from the date of receipt of the papers from II-Family Court, Chennai, after due notice and opportunity to both parties. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Judge, II Family Court, Chennai.
 2. The Subordinate Judge, Devakottai.
 3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai. (2C)
- +1 CC to Mr.S.Muthukumar, in SR.No.25996.

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(MA) CO
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